

**United States Court of Appeals
For the Fifth Circuit**

FILED

April 24, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

No. 23-50090

BY: JF
DEPUTY

Kimberly D. Hogan Pro se
Plaintiff / Appellant

Appeal from the USDC for the Western District of Texas
USDC CASE NUMBER: 1:21-CV-00892-RP

Aspire Financial, Inc. D/B/A Aspire Lending
and Council Donald E. Uloth
Defendants / Appellees

2ND NOTICE WITH INDISPUTABLE PROOF OF FRAUD BY
THE COURT
JUDICIAL COMPLAINT
DEMAND FULL PANEL EN BANC HEARING

1. Plaintiff / Appellant:

Plaintiff: Kimberly D. Hogan Pro se
900 Discovery Blvd. #13102
Cedar Park, Texas 78613
kdhogan@ymail.com

(303)246-1587

2. Defendants / Appellees:

Defendant: Aspire Financial, Inc. d/b/a Aspire Lending

4100 Alpha Rd. Suite 300

Dallas, Texas 75244

info@aspirelending.com

(877)325-2009

Defendant's Counsel: Donald E. Uloth

Texas Bar No. 20374200

18208 Preston Rd. Suite D-9 #261

Dallas, Texas 75252

Phone: (855) 952-4645

Fax: (972) 777-6951

Email: don.uloth@uloth.pro

Trial Court Clerk: Dallas County 162nd District Court

Clerk of the Court: Felicia Pitre

600 Commerce Street, Suite 103

Dallas, Texas 75202

(214) 653-7307

felicia.pitre@dallascounty.org

Trial Court Coordinator: Dallas 162nd District Court

Court Coordinator: Melinda Thomas

600 Commerce Street, Room 730 B

Dallas, Texas 75202

(214) 653-7348

mthomas@dallascourts.org

Appellate Court Clerk: Dallas 5th Court of Appeals

Clerk of the Court: Lisa Matz

600 Commerce Street, Suite 200

Dallas, Texas, 75202

Phone: (214) 712-3450

Fax: (214) 745-1083

TheClerk@5th.txcourts.gov

Supreme Court of Texas Deputy Clerk:

Deputy Clerk of the Court: Kristen Golby

201 W. 14th Street, Room 104

Austin, Texas 78701

(512) 463-1312

kristen.golby@txcourts.gov

Supreme Court of Texas Clerk:

Clerk of the Court: Blake A. Hawthorne

201 W. 14th Street, Room 104

Austin, Texas 78701

(512) 463-1312

U.S. District Judge Robert Pitman

501 West 5th Street, Suite 5300

Austin, Texas 78701

(512) 391-8792

U.S. Magistrate Judge Mark Lane

501 West 5th Street, Suite 7400

Austin, Texas 78701

(512) 916-5896 ext. 8705

Tyler Technologies

5101 Tennyson Parkway

Plano, Texas 75024

(972) 713-3700

info@tylertech.com

Newly Added:

United States Fifth Circuit Court of Appeals

Deputy Clerk Lisa E. Ferrara

600 Maestri Place Suite 115

New Orleans, Louisiana 70130

(504) 310-7675

Now Newly Added For More FRAUD Upon And BY THE COURT:

United States Fifth Circuit Court of Appeals

NOWHERE LISTED on the ATTACHED BELOW 5th Circuit's Contact List:

Mystery "Deputy Clerk" Melissa Shanklin

FIFTH CIRCUIT CLERK'S OFFICE & JUDGES

600 S. Maestri Place, Suite 115
 New Orleans, LA 70130-3408
 Main Number (504) 310-7700

Lyle W. Cayce, Clerk of Court
 Thomas Plunkett, Chief Deputy Clerk

Attorney Admissions and Renewals

Attorney Admissions/Renewals..... 310-7947

Counsel to Clerk's Office

Timothy Phares, Attorney Advisor..... 310-7665

Case Administration Division

Peter Connors, Case Administration Manager..... 310-7685

Northern (10000) and Western (50000) Texas

MAIN NUMBER..... 310-7806

Amanda Sutton-Foy, Case Manager..... 310-7670

Melissa Courseault, Case Management Clerk..... 310-7701

Lisa Ferrara, Case Management Clerk..... 310-7675

Roeshawn Johnson, Case Management Clerk..... 310-7998

Melissa Mattingly, Case Management Clerk..... 310-7719

Renee McDonough, Generalist..... 310-7673

Casey Sullivan, Case Management Clerk..... 310-7642

Mary Frances Yeager, Case Management Clerk..... 310-7686

Monica Washington, Case Management Clerk (Prisoner/Pro Se)..... 310-7705

Updated March 15, 2023

Southern (20000) and Eastern (40000) Texas

MAIN NUMBER..... 310-7807

Angel Tardie, Case Manager..... 310-7715

Nancy Dolly, Opinions Specialist..... 310-7683

Shawn Henderson, Case Management Clerk..... 310-7668

Dantrell Johnson, Case Management Clerk..... 310-7689

Rebecca Leto, Case Management Clerk..... 310-7703

Donna Mendez, Case Management Clerk (Prisoner/Pro Se)..... 310-7677

Christy Rachal, Case Management Clerk..... 310-7651

Also in **NON-VIRUS SEARCHABLE LINK FORMAT HERE:**

<https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:ae076566-4ebe-488b-bff5-7c2d2cde887e>

600 Maestri Place Suite 115

New Orleans, Louisiana 70130

Main Number: (504) 310-7700

AND John Does and Jane Does 1- 100 Identities Yet to be determined.

ATTENTION: Chief Judge Priscilla Richman, and Former Chief Judge Edith Jones,

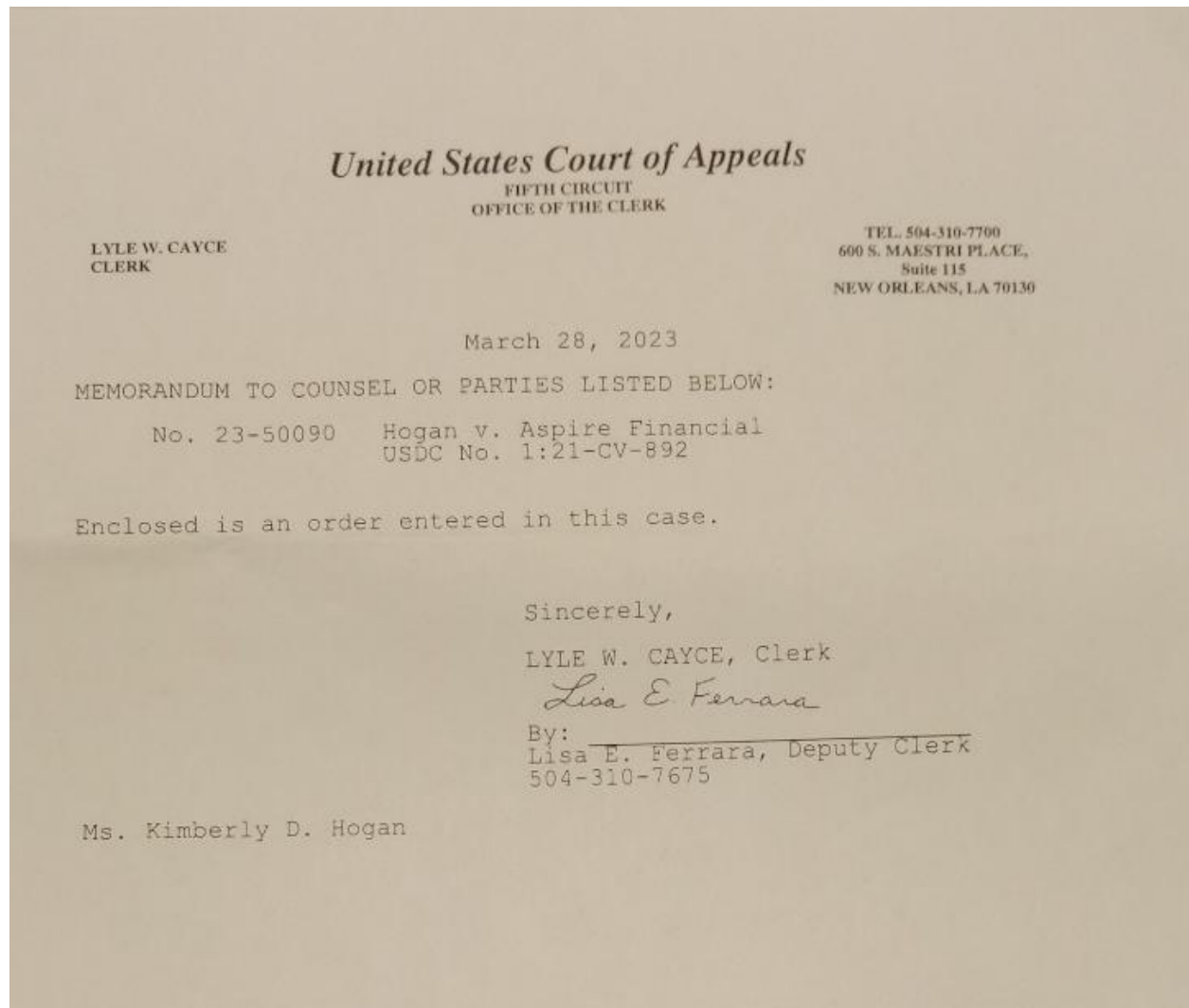
After waiting Months for a Response to my Appeal and Second Appeal, both Filed on August 12th, 2022 (well in time before my Statute of Limitation from Final Judgment Ruling entered July 18th, 2022), I decided to File a 3rd Amended Appeal Filed on February 3rd 2023 in hopes that one would receive a response, as the saying goes “3rd time’s a charm”. I Filed my first two Appeals well before the Statute of Limitation Deadline of August 17th 2022. And, in fact, according to the Rules, I Won by Default since no one ever responded to me by their Statute of Limitation Deadline of September 11th, 2022. With all that being said, now I want to know which is it? Is it vision problems, ineptness, Corruption, or Collusion? I received this Fraudulent “UNPUBLISHED ORDER” from the Clerk/Deputy Clerk, specifically Deputy Clerk Lisa Ferrara, stating that my MANY YEARS Long Fought Battle Case is “DISMISSED for want of Jurisdiction”. She claims I missed filing a timely notice of appeal by August 17th, 2022. She completely did not look at Docket Entries 22, 23, and 24, or Completely Ignored all three Docket Entries that Prove I Filed on August 12th, 2022, well before my SOL. Deputy Clerk Ferrara fast forwarded to Docket Entry 25, my 3rd Amended Appeal

Dated January 31st, 2023, completely Ignoring Docket Entries 22, 23, and 24, and especially Ignoring the fact that no one ever responded to #24, which means I won by Default. Very Interesting SELECTIVE VISION Problems it appears Deputy Clerk Ferrara suffers from. She was able to see just fine Docket Entry #21 the Final Judgment dated July 18th, 2022, and was able to see Docket Entry #25 my 3rd Amended Appeal just fine. Interesting that the SELECTIVE VISION doesn't notice AT ALL there is NO RESPONSE to my Timely Filed Appeal dated August 12th, 2022, and that I Actually Have Won By Default. ALL THE PROOF CAN BE SEEN HERE ON THE **NON-VIRUS PACER LINK** FOR THIS CASE:

https://www.pacermonitor.com/case/42145060/Hogan_v_Aspire_Financial_Inc_et_al

Here Attached Below is all the Proof to see, YET AGAIN, this time in a new and Higher Court The Fifth Circuit Court of Appeals, The **FRAUD UPON AND BY THE COURT** Continues:

Proof of Fraud By The Fifth Circuit Court of Appeals Deputy Clerk Lisa Ferrara:



Also in **NON-VIRUS SEARCHABLE LINK FORMAT HERE:**

<https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:aecf9d0e-c161-4dc6-9ae3-cd2ea2ebfb5f>

Proof of Fraud Upon and By The Fifth Circuit Court:

Case: 23-50090 Document: 00516691300 Page: 1 Date Filed: 03/28/2023

United States Court of Appeals
for the Fifth Circuit

No. 23-50090

United States Court of Appeals
Fifth Circuit

FILED

March 28, 2023

Lyle W. Cayce
Clerk

KIMBERLY D. HOGAN,

Plaintiff—Appellant,

versus

ASPIRE FINANCIAL, INCORPORATED, *doing business as* ASPIRE
LENDING; DONALD E. ULOTH; FELICIA PITRE, *Clerk of the Court*;
DALLAS COUNTY 162ND DISTRICT COURT; MELINDA THOMAS,
Court Coordinator; DALLAS 162ND DISTRICT COURT; LISA MATZ,
Appellate Court Clerk; DALLAS 5TH COURT OF APPEALS; KRISTEN
GOLBY, *Deputy Clerk of the Court*; SUPREME COURT OF TEXAS;
BLAKE A. HAWTHORNE, *Clerk of the Court*; SUPREME COURT OF
TEXAS; JOHN AND JANE DOES 1-100; TYLER TECHNOLOGIES,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:21-CV-892

UNPUBLISHED ORDER

Before ELROD, GRAVES, and HO, *Circuit Judges*.

PER CURIAM:

This court must examine the basis of its jurisdiction, on its own
motion if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir.

Case: 23-50090 Document: 00516691300 Page: 2 Date Filed: 03/28/2023

No. 23-50090

2000). Pursuant to 28 U.S.C. § 2107(a) and Federal Rule of Appellate
Procedure 4(a)(1)(A), the notice of appeal in a civil case must be filed within
thirty days of entry of judgment.

Also in NON-VIRUS SEARCHABLE LINK HERE:

<https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:9bbe82ba-0290-4ee6-a1de-eb4a458450cc>

PROOF OF SELECTIVE VISION, INEPTNESS, CORRUPTION, OR COLLUSION:

THEY Never Responded, That Means I Won By Default!

The image displays three screenshots of the PacerMonitor website, showing legal filings and court orders. The screenshots are annotated with red circles, arrows, and handwritten notes.

- Left Screenshot:** Shows a filing dated **Friday, August 12, 2022** (circled in red). The filing is titled "ORDER of USCA dismissing Notice of Appeal as erroneously docketed. (lv2)". Below it, another filing dated **Monday, July 18, 2022** (circled in red) is titled "NOTICE OF APPEAL by Kimberly D. Hogan (fee due). Per 5th Circuit rules, the appellant has 14 days, from the filing of the Notice of Appeal, to order the transcript. To order a transcript, the appellant should fill out a LINK (Transcript Order) and follow the instructions set out on the form. This form is available in the Clerk's Office or by clicking the hyperlink above. (lv2)". A handwritten "#24" is next to the date.
- Middle Screenshot:** Shows a filing dated **Friday, August 12, 2022** (circled in red). The filing is titled "ORDER of USCA dismissing Notice of Appeal as erroneously docketed. (lv2)". Below it, another filing dated **Monday, July 18, 2022** (circled in red) is titled "NOTICE OF APPEAL by Kimberly D. Hogan (fee due). Per 5th Circuit rules, the appellant has 14 days, from the filing of the Notice of Appeal, to order the transcript. To order a transcript, the appellant should fill out a LINK (Transcript Order) and follow the instructions set out on the form. This form is available in the Clerk's Office or by clicking the hyperlink above. (lv2)". A handwritten "#24" is next to the date.
- Right Screenshot:** Shows a filing dated **Tuesday, January 31, 2023** (circled in red). The filing is titled "NOTICE OF APPEAL by Kimberly D. Hogan (No filing fee submitted). Per 5th Circuit rules, the appellant has 14 days, from the filing of the Notice of Appeal, to order the transcript. To order a transcript, the appellant should fill out a LINK (Transcript Order) and follow the instructions set out on the form. This form is available in the Clerk's Office or by clicking the hyperlink above. (lv2)". A handwritten "31.8 Amended Petition" is next to the date.

Also in NON-VIRUS SEARCHABLE LINK HERE:

<https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:bd3d4f16-d4ad-4719-9e3d-830329fbb87b>

Proof of Timely Filed **August 12th, 2022** 2nd Amended Appeal:

Case 1:21-cv-00892-RP Document 24 Filed 08/12/22 Page 1 of 15

**UNITED STATES FEDERAL DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

FILED
August 12, 2022
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: CC

Kimberly D. Hogan Pro se
Plaintiff / Appellant

CASE NUMBER: 1:21-CV-00892-RP

Aspire Financial, Inc. D/B/A Aspire Lending
and Council Donald E. Uloth
Defendants / Appellees

**2ND AMENDED NOTICE OF APPEAL, COMPLAINT, AND REMOVAL FOR FRAUD
UPON THE COURT, DENIAL OF DUE PROCESS, EQUAL PROTECTION, AND
MEANINGFUL ACCESS TO THE COURT, RECORDS TAMPERING CENSORING
EVIDENCE STRIPPING, AND FOR A FRAUDULENT CONCOCTED UNITED STATES DISTRICT
COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION, RICO AND
FEDERAL CRIME VIOLATIONS TO OATH OF OFFICE**

1. Plaintiff / Appellant:

Plaintiff: Kimberly D. Hogan Pro se
10015 Lake Creek Pkwy. #621
Austin, Texas 78729
kdhogan@ymail.com
(303)246-1587

2. Defendants / Appellees:

Defendant: Aspire Financial, Inc. d/b/a Aspire Lending
4100 Alpha Rd. Suite 300

Also in **NON-VIRUS SEARCHABLE LINK HERE:**

<https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:b93d124a-8459-4c33-bdde-4392d30a113c>

Which It was NEVER RESPONDED TO, therefore I LEGALLY Won by Default!

NON-VIRUS PACER LINK:

https://www.pacermonitor.com/case/42145060/Hogan_v_Aspire_Financial,_Inc_et_al

I DEMAND THIS CASE BE REOPENED IMMEDIATELY Due To It Being FRAUDULENTLY Dismissed! The Corruption only continues further with This Bullcrap Response from **Melissa Shanklin SUPPOSED DEPUTY CLERK** that the Courts are not permitted to access digital doc links which is a **LIE!** See Melissa Shanklin's additional FRAUD BY THE COURT HERE:

United States Court of Appeals FIFTH CIRCUIT OFFICE OF THE CLERK	
LYLE W. CAYCE CLERK	TEL.: 504-713-7700 400 S. HARRISON PLACE NEW ORLEANS, LA 70139
April 17, 2023	
Kimberly D. Hogan [REDACTED] Cedar Park, TX 78613	
RE: "Notice with Proof of Fraud by the Court - Judicial Complaint - Demand Full Panel Re-Basic Hearing" (received April 13, 2023)	
Dear Ms. Hogan:	
We acknowledge receipt of the above-referenced "Notice" however, it is unclear what relief you are seeking.	
— To the extent, if any, that the notice is intended as a "demand" (or) full panel on "re-hearing" in 5th Cir. No. 23-50496, a copy has been forwarded to the WTX case management team for processing. Any inquiries about that the status of the "demand" should be directed to the WTX case management team.	
— To the extent, if any, that you appear to allege misconduct by Deputy Clerk Lisa E. Ferraro, a copy of your notice has been forwarded to Chief Deputy Clerk Thomas D. Plunkett for consideration. Any inquiries about the status of that complaint should be directed to Mr. Plunkett.	
— To the extent that, if any, that your notice is intended as a complaint under 28 U.S.C. §§ 251-264, it cannot be filed because it does not comply with the following provisions of the enclosed Fifth Circuit Rules for Judicial-Conduct and Judicial-Disability Proceedings:	
— Rule 6(d): Complainant's Address and Signature; Verification. The complainant must provide a correct address and sign the complaint. The truth of the statements made in the complaint must be verified in writing under penalty of perjury. If any of these requirements are not met, the submission will be accepted, but it will be reviewed under any Rule 5(b).	
— Fifth Cir. Proc. 6(e): Signature. The complaint must be signed with a "wet" or "blue" signature.	
— Rule 6(b): Brief Statement of Facts. A complaint must contain a concise statement that details the specific facts on which the claim of misconduct or disability is based. The statement of facts should include a description of: (1) what happened; (2) when and where the relevant events happened; (3) any information that would help an investigator check the facts.	
In the notice you refer to United States District Judge Robert L. Pitman, United States Magistrate Judge Mark P. Law, and "United States Fifth Circuit Court of Appeals" as "defendants." If you elect to file a complaint in compliance with the Rules, you must identify each subject judge by name and list the relevant cases, which can be done by completing and returning the enclosed complaint form (and will also satisfy the oath and signature requirements).	
You must also set out the allegations in a clear and concise statement of facts. Please note that, pursuant to Fifth Cir. Proc. 6(d):	
The statement of facts should be limited to five single-spaced and double-spaced pages on 8.5x11 inch paper, whether typed or handwritten. Font size must be at least 12pt. If a complainant believes that more than five pages are necessary for a "concise statement" of facts, the complainant may submit a proposed statement of facts to the Clerk, who will determine whether the over-length complaint will be accepted for filing as submitted. If the Clerk determines that the complaint should not be filed as submitted, the complainant will be given an opportunity to reduce the statement of facts to five pages.	
Please note further that the complaint statute applies only to federal judges. As such, any statement of facts should not include allegations against attorneys or defendants in the underlying federal court proceedings, or against state court judges, clerks, court personnel, attorneys, or defendants in state court proceedings.	
— Fifth Cir. Proc. 6(a): Adoption/incorporation of complaint or other document. All allegations must be set forth in the concise statement of facts. Allegations made in exhibits or attachments will not be considered. A complaint that simply states that it adopts, or incorporates the facts or statements of, another complaint, pleading, brief, or other document does not meet the requirements of Rule 6 and will not be accepted for filing.	
In your notice, you refer to documents posted on https://acrobat.adobe.com , e.g., "Proof of Fraud Upon and By the Fifth Circuit Court" and "PROOF OF SELECTIVE VISION, INEPTNESS, CORRUPTION, OR COLLUSION." To the extent, if any, that those documents contain facts relevant to any allegations of judicial misconduct, that information must be set out in your statement of facts. ¹	
Sincerely, LYLE W. CAYCE Clerk	
By <u>Melissa Shanklin</u> Melissa Shanklin, Deputy Clerk	
Encls.	
¹ Please be advised that court personnel are not permitted to access those documents due to the risk of digital viruses.	

Also in **NON-VIRUS SEARCHABLE LINK HERE:**

<https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:e9a85c63-c60e-4e5a-8c8a-2c8f6f4791b4>

All throughout this case and **throughout ALL the previous courts, and inserted in EVERY “ACCEPTED” FILING in ALL the previous courts there have ALWAYS been Attached Searchable Links! THE COURTS HAVE VIRUS PROTECTION!**

Clearly the FRAUD BY THE COURT is Rampant and Systemic at the 5th Circuit! Here is more Proof of Fraud BY YET ANOTHER CORRUPT 5TH CIRCUIT COURT CLERK Disclosed via a **NON-VIRUS LINK:**

<https://lawsintexas.com/a-fifth-circuit-clerk-corruptly-impersonating-appellants-induces-finality-of-appeal/>

AND, There’s This Claim Of The Legal System Being “Corrupt Beyond Recognition” From Your Own Former Chief Judge Edith Jones Of The 5th Circuit via a **NON-VIRUS LINK:**

<https://republicbroadcasting.org/news/american-legal-system-is-corrupt-beyond-recognition/>

RE-OPEN MY CASE!

Respectfully Submitted,

/s/ **Kimberly D. Hogan** (Accepted as a LEGAL “ELECTRONIC SIGNATURE”!)

Kimberly D. Hogan

900 Discovery Blvd. #13102

Cedar Park, Texas 78613

kdhogan@ymail.com

(303) 246-1587

April 24th, 2023